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FILED

MAR - 3 1994

BOARD OF PHARMACY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY
DOCKET NO.

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

MARK NELSON TYRELL, R.P.
LICENSE NO. RI 15116

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

:
: Administrative Action
:

:
: CONSENT ORDER
:

This matter was opened to the New Jersey State Board of Pharmacy upon the receipt of information that Respondent has failed to have his urine monitored as agreed upon by way of Consent Order filed on July 16, 1993; to wit, Respondent has failed to cause the Board to receive his urine screen results one time per week, at least two of which per month should have been performed on weekends.

Respondent, acknowledging that he has failed to comply with the terms of the prior July 16, 1993 Order, has agreed to continue the terms and conditions of that Order for two years forward from January 1, 1994.

IT IS THEREFORE, ON THIS 2nd DAY OF March, 1994,
ORDERED:

1. Respondent shall be on probation for a two (2) year period commencing January 1, 1994, subject to compliance with paragraphs 3 through 14 herein. If respondent violates any of the provisions of paragraphs 3 through 14 herein, the Board may initiate proceedings to revoke his probationary status and to actively suspend or revoke his license to practice pharmacy.

2. Respondent shall not be a pharmacist-in-charge or a permit holder of any pharmacy in this State during the entire period of probation.

3. Respondent hereby consents to the entry of an Order of Automatic Suspension of his license without notice upon the Board's receipt of any reliable information such as, but not limited to, a report of a confirmed positive urine or information from any out-patient program or counselor which reveals evidence of substance abuse during the probationary period.

4. Respondent shall have the right to apply for removal of the automatic suspension on two (2) days notice but in such event shall have the burden to prove that the urine tested was not his or was a false positive, in the case of urine testing, or that other information submitted was false.

5. Respondent shall have his urine monitored at his own expense on a random, unannounced basis for the entire probationary period. Testing shall be performed one time per week throughout the suspension period and shall include testing

no less than two times per month on the weekend. The urine specimens shall be performed with direct witnessing by a Board approved monitor. The initial drug screen will utilize the EMIT technique and all confirming tests and/or secondary tests will be performed by gas chromatographing/mass spectrometry (GC/MS). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation thereof.

6. The results of all tests shall be reported directly by the testing laboratory on a weekly basis to H. Lee Gladstein, Executive Director of the Board or his successor, or his designee in the event he is unavailable. The Board may at anytime alter or modify the manner of the testing directed herein. In the event of any such alteration or modification the Board shall give timely notice of any new testing requirement to the respondent.

7. In the event respondent is unable to appear for a scheduled urine test due to illness or other impossibility, consent to waive that day's test must be secured from the Board office. The lab or monitor will not be authorized to provide consent. In addition, respondent must provide the Board with any written substantiation which may be obtained for his inability to appear, e.g. physician's report.

8. Any failure to appear for a urine test for which consent is not secured from the Board, and for which no written substantiation is furnished satisfactory to the Board within two (2) days of such failure to appear, shall be grounds for

activation of the suspension upon short notice.

9. Respondent shall be permitted to continue in his present employment with Pharmacare as a consultant with the prohibition that respondent shall have no contact with or access to any controlled dangerous substances or prescription legend drugs.

10. If respondent wishes to change his job, he shall first request an appearance before the Board prior to making any change in his employment. At that appearance, respondent shall demonstrate to the satisfaction of the Board that in any new employment setting he will continue to be segregated from all drug inventory.

11. In connection with any job in which respondent would have access to Controlled Dangerous Substances and/or prescription legend drugs, he shall disclose his prior drug problem to his employer and serve a copy of the within Order on his employer. Respondent shall cause the Board to receive a letter acknowledging the employer's receipt of the notice required by this paragraph.

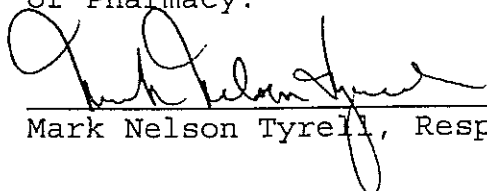
12. Respondent shall not use or possess any controlled dangerous substances, except for bona fide medical purposes as deemed necessary by a physician or other authorized prescriber during the entire period of probation. In such event, respondent is to serve notice to the Board in writing. Respondent shall advise any and all treating physicians of his history of drug abuse.

13. At any time during the probation period, the Board may require the appearance of respondent at a meeting for a status conference.

NEW JERSEY STATE BOARD OF PHARMACY


Edith Tortora Micale, R.P.

I have read the above Order
and I understand and agree to be bound
its terms. I consent to the entry of
this Order by the State Board
of Pharmacy.


Mark Nelson Tyrell, Respondent